United Nations S/2016/301

Security Council

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The Security Council,

Recalling its resolutions as well as the statements of its President on Burundi, in particular its resolution 2248 (2015) and the statements of 18 February 2015 (2015/6), of 26 June 2015 (2015/13), of 28 October 2015 (2015/18), and its press statement of 19 December 2015,

Reiterating its deep concern about the persistence of violence in Burundi, as well as the persisting political impasse in the country and the attendant serious humanitarian consequences,

Stressing that the situation prevailing in Burundi has the potential to seriously undermine the significant gains achieved through the Arusha Peace and Reconciliation Agreement of 28 August 2000, with devastating consequences for Burundi and the region as a whole,

Stressing the primary responsibility of the Government of Burundi for ensuring security in its territory and protecting its population with respect for the rule of law, human rights and international humanitarian law, as applicable,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and unity of Burundi,

Strongly condemning all violations and abuses of human rights in Burundi, whoever perpetrates them, including those involving extra-judicial killings, sexual violence in the context of the political crisis, acts of torture and other cruel, inhuman and/or degrading treatment, arbitrary arrests and detentions, harassment and intimidation of civil society organizations and journalists, and restriction of fundamental freedoms, as well as indiscriminate use of grenade attacks, especially against civilians,

Noting reports of a decrease of killings while *expressing concern* over reports of increased disappearances and acts of torture,

Underscoring its deep concern for the continued worsening of the humanitarian situation, marked by more than 250 000 Burundians seeking refuge in neighbouring countries, and *commending* the host countries for their efforts,

Strongly condemning all public statements, coming from in or outside of the country, that incite violence or hatred towards different groups in Burundian society,

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Noting that a number of bilateral and multilateral partners have suspended their financial and technical assistance to the Government of Burundi, considering the situation in Burundi and *encouraging* bilateral and multilateral partners and the Government of Burundi to continue their dialogue with a view to creating conducive conditions for the resumption of the assistance,

Recalling that Burundi is a State Party to the Rome Statute of the International Criminal Court, and has obligations to fight impunity for crimes falling within the jurisdiction of the Court, and emphasizing that the International Criminal Court is complementary to national criminal jurisdictions,

Noting with satisfaction the cooperation and access to some political prisoners provided by the Burundian authorities to the independent experts of the Office of the High-Commissioner on Human Rights (OHCHR) on the ground,

Stressing the utmost importance of respecting the letter and the spirit of the Arusha Agreement which has helped to sustain a decade of peace in Burundi,

Stressing the urgency of convening a genuine and inclusive inter-Burundian dialogue, based on the respect of the Constitution and the Arusha Agreement, in coordination with the Government of Burundi and all stakeholders committed to a peaceful solution, both who are in Burundi and those outside the country, in order to find a consensual and nationally owned solution to the current crisis,

Welcoming the letter dated 24 January 2016 from the President of the Republic of Burundi (S/2016/76) expressing his Government's intention to cooperate closely with the United Nations team under the responsibility of the Special Adviser for Conflict Prevention, including in Burundi, on determining appropriate support for an inclusive dialogue process and in the areas of disarmament, security and human rights,

Commending the Secretary-General's visit to Burundi on 22 and 23 February 2016, and *taking note* of the commitments made by the Government of Burundi on this occasion,

Reiterating its support to the mediation efforts led by President Yoweri Museveni of Uganda on behalf of the East African Community (EAC) and as endorsed by the African Union (AU), *commending* the decision made by the EAC at the 17th Summit of the EAC Heads of State of 2 March 2016 to appoint a team under Mr Benjamin William Mkapa, former president of the United Republic of Tanzania, to facilitate the mediation,

Welcoming the visit to Burundi, on 25 and 26 February 2016, by the African Union (AU) High-level Delegation, and *noting with satisfaction* the readiness of the members of this Delegation to pursue their efforts, in support of the mediation efforts led by President Yoweri Museveni of Uganda, on behalf of the EAC,

Recalling the importance of close coordination between the region and relevant international facilitators,

1. *Urges* the Government of Burundi and all parties to reject any kind of violence and condemn any public statement inciting violence or hatred and *demands* that all sides in Burundi refrain from any action that would threaten peace and stability in the country;

2. *Urges* the Government of Burundi to respect, protect and guarantee human rights and fundamental freedoms for all, in line with the country's international obligations, to adhere to the rule of law, to bring to justice and hold accountable all those responsible for violations of international humanitarian law or violations and abuses of human rights, as applicable, including sexual violence and violations against children;

3. *Takes note* of the visit to Burundi from 1 to 8 March 2016 of the experts' mission requested by the Human Rights Council in its resolution of 17 December 2015, and urges the Government of Burundi to continue to cooperate with the Office of the High Commissioner for Human Rights in the fulfilment of the mission's mandate;

4. *Welcomes* the steps made by the Government of Burundi to withdraw some media bans, cancel some arrest warrants and release a significant number of detainees, and *urges* the Government of Burundi to urgently fulfil the remaining commitments announced by the Government of Burundi on 23 February 2016 and to extend such measures to other media outlets and political detainees;

5. *Urges* the Government of Burundi and all stakeholders committed to a peaceful solution, both those who are in Burundi and those outside the country, to extend full cooperation to the EAC-led, AU-endorsed Mediator and his Facilitator in order to urgently agree on a timetable and on a list of participants of an inclusive and genuine inter-Burundian dialogue and *highlights* the importance of the decision by the AU Peace and Security Council to hold such dialogue outside Burundi, in a venue to be determined by the Mediation;

6. *Welcomes* the consent of the Burundian authorities to increase to two hundred (200) the number of human rights observers (100) and military experts (100) of the AU, *calls for* their full and speedy deployment in Burundi, *notes* that 30 human rights observers and 15 military observers have been deployed so far, and *urges* the Government of Burundi and other concerned stakeholders to provide them with full cooperation in order to facilitate the implementation of their mandate;

7. *Requests* the Secretary-General, through the good offices of his Special Adviser for conflict prevention, including in Burundi, Mr Jamal Benomar, to support the inter-Burundian dialogue as referred to in paragraph 5 above, and in this regard, to coordinate and work with the EAC-led, AU-endorsed Mediator and his Facilitator, as well as with the high-level delegation from the AU, and to provide technical and substantive support to the Mediation;

8. *Calls on* States in the region to contribute to a solution to the crisis in Burundi, and to refrain from supporting the activities of armed movements in any way, and *recalls* in this regard commitments of the States in the region under the Framework Agreement on the Peace, Security and Cooperation for the DRC and the region and the 1951 Convention relating to the status of refugees;

9. *Expresses* its intention to consider measures against all actors, inside and outside Burundi, whose actions and statements contribute to the perpetuation of violence and impede the search for a peaceful solution;

10. *Requests* the Secretary-General to enhance the United Nations engagement in Burundi through strengthening the team of the Special Adviser for conflict prevention, including in Burundi, in order to work with the Government of

Burundi and other concerned stakeholders to support the inter-Burundian dialogue, as referred to in paragraph 5 above, and in the areas of security and rule of law, and, in this regard, *further requests* the Secretary-General, in consultation with the Government of Burundi and in coordination with the AU, to present, as soon as possible and no later than 15 days from the date of adoption of this resolution, options for the deployment of a United Nations police contribution to increase the United Nations capacity to monitor the security situation, promote the respect of human rights and advance rule of law, in compliance with the United Nations Human Rights Due Diligence Policy;

11. *Reaffirms* the importance of United Nations and AU contingency planning, consistent with its resolution 2248 (2015), to enable the international community to respond to any further deterioration of the situation;

12. *Requests* the Secretary-general to report to the Security Council regularly after the adoption of this resolution on the situation in Burundi;

13. *Decides* to remain actively seized of the matter.